

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Crl. Revision No.869 of 2000

Date of decision : March 21, 2007.

Nishan Singh and another

... Petitioners

versus

State of Haryana

... Respondent

Coram: Hon'ble Mr. Justice A.N. Jindal.

Present: Mr. Raj Mohan Singh, Advocate
for the petitioners.

Ms. Shalini Attri, AAG, Haryana
for the respondent.

A.N. Jindal, J.

The petitioner-accused Nishan Singh and Shisha Singh, have been convicted by learned Additional Chief Judicial Magistrate, Karnal under Sections 323/324/326/452 read with Section 34 IPC vide its judgment dated 6/9.4.1999. When appealed against the aforesaid judgment, the Appellate Court, vide its judgment dated 14.7.2000, while acquitting the accused under Section 324 IPC, maintained the judgment of conviction and sentence qua the remaining offences. Hence this revision petition.

On 13.6.1988, at about 7.00 AM, accused Nishan Singh and Shisha Singh caused injuries to Kulwant Kaur on her nose and hips. The grievous injury attributed to Nishan Singh was on the nose whereas simple injury attributed to Shisha Singh was on the hips. During medicolegal examination, no injury was found on the hips. Dr. Surinder Katyal (PW3), who medico-legally examined injured Kulwant Kaur wife of Didar Singh testified, during cross-examination, that the injuries suffered by her could be the result of fist blow, use of blunt weapon or by a fall on a surface and was not the result of sharp edged weapon.

In the circumstances, it can safely be concluded that the injury, if any, caused by accused Nishan Singh could be termed as grievous which falls within the purview of Section 325 IPC.

Mr. Raj Mohan Singh, learned counsel for the revision-

petitioner stated at the bar that the parties have compromised the matter. Keeping in view that this revision petition is pending since 2001, it will not be appropriate, in the interest of justice, to send them back to the prison. Even otherwise, the parties are closely related to each other. The injured-complainant Kulwant Kaur is the wife of Didar Singh (brother of the accused). It has also been stated that the accused have already undergone more than two months. Therefore, finding sufficient ground to take a lenient view in the matter, the revision petition is hereby dismissed with the modification in the sentence and the same is reduced to the period already undergone.

Ordered accordingly.

March 21, 2007
'deepak'

(A.N. Jindal)
Judge